

UNAPPROVED
5/13/04

MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 18, 2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Ronald W. Koch, Sully District

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy noted that the agenda for the Planning Commission Seminar to be held on Saturday, March 20, 2004, from 9:00 a.m. to 4:00 p.m., in the Board Conference Room had been distributed tonight.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATIONS IN FS-V04-7, T-MOBILE, 7956 TWIST LANE, AND FS-S04-4, T-MOBILE, 11116 HENDERSON ROAD, AS SHOWN ON THE CONSENT AGENDA.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Wilson not present for the vote; Commissioners Byers and Koch absent from the meeting.

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In Commissioner Byers' absence, Chairman Murphy MOVED THAT THE PUBLIC HEARING ON SE 2001-MV-005, WILLIAM A. KINDER, BE DEFERRED TO A DATE CERTAIN OF APRIL 29, 2004.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Wilson not present for the vote; Commissioners Byers and Koch absent from the meeting.

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Also in Commissioner Byers' absence, Chairman Murphy MOVED THAT THE PUBLIC HEARING ON PCA 79-L-147 AND SEA 84-V-009-2, KHAN INTERNATIONAL, LLC, BE DEFERRED INDEFINITELY.

Commissioners Lusk and Hall seconded the motion which carried unanimously with Commissioners Harsel and Wilson not present for the vote; Commissioners Byers and Koch absent from the meeting.

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FS-P03-6 – OMNIPOINT (T-MOBILE), 7918 Jones Branch Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P03-6.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Harsel and Wilson not present for the vote; Commissioners Byers and Koch absent from the meeting.

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Chairman Murphy announced that the Capital Improvement Program Committee would meet on Wednesday, March 24, 2004, at 7:30 p.m., in the Board Conference Room.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. SEA 2002-PR-040 - FAIRFAX PLAZA COMPANY, A VIRGINIA LIMITED PARTNERSHIP
2. RZ/FDP 2003-PR-037 - JAMES S. AUDIA AND MANUEL G. SERRA
3. FY 2005 – FY 2009 CAPITAL IMPROVEMENT PROGRAM (CIP)
4. RZ/FDP 2003-DR-031 - WINCHESTER HOMES, INC.

This order was accepted without objection.

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SEA 2002-PR-040 - FAIRFAX PLAZA COMPANY, A VIRGINIA
LIMITED PARTNERSHIP - Appl. under Sects. 5-504 and 9-620 of the
Zoning Ordinance to amend SE 2002-PR-040 previously approved for waiver
of certain sign regulations to permit eating establishments, fast food
restaurants and a quick service food store. Located at 2960-2988 Gallows Rd.
on approx. 4.13 ac. of land zoned I-5. Tax Map 49-4 ((1)) 13 pt.
PROVIDENCE DISTRICT. PUBLIC HEARING.

William Thomas, Jr., Esquire, with Fagelson, Schonberger, Payne, and Deichmeister, PC,
reaffirmed the affidavit dated March 8, 2004. There were no disclosures by Commission
members.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented
the staff report, a copy of which is in the date file. He noted that staff recommended denial of
the application because it was not in conformance with the Comprehensive Plan and applicable
Zoning Ordinance provisions.

Mr. Thomas stated that the applicant was not in agreement with Development Condition Number
7 requiring that a traffic signal be installed prior to the establishment of the proposed uses. He
said that if the applicant's offer to grant an ingress/egress easement to the Luther Jackson
Intermediate School was approved, the School Board would pay one-third of the cost and
Uniwest, the owner of the former Levitz Furniture store located on the property, would also pay
one-third. He requested that Development Condition Number 6 be revised to reflect that a
\$10,000 contribution would be made by the applicant for the construction of an access easement
for the adjacent Luther Jackson Middle School.

Chairman Murphy called for speakers from the audience, but received no response. He noted
that rebuttal was not necessary. The Commission had no comments or questions and staff had no
closing remarks; therefore, Chairman Murphy closed the public hearing and recognized
Commissioner Lawrence for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE
DECISION ONLY FOR SEA 2002-PR-040 TO A DATE CERTAIN OF MARCH 24, 2004,
WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hall and Lusk seconded the motion which carried unanimously with
Commissioners Byers and Koch absent from the meeting.

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RZ/FDP 2003-PR-037 - JAMES S. AUDIA AND MANUEL G. SERRA -
Appls. to rezone from I-5 and R-20 to PDH-20 to permit residential

development at a density of 16.66 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the S. side of Kingsbridge Dr., S.W. of Blake La. on approx. 4.43 ac. of land. Comp. Plan Rec: 16-20 du/ac. Tax Map 48-3 ((1)) 25 and 48-3 ((25)) A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Hillary Zahm, planner with Cooley Godward, LLP, reaffirmed the affidavit dated February 18, 2004. There were no disclosures by Commission members.

Leslie Johnson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Johnson responded to a question from Commissioner Alcorn about a .5 acre parcel, subject to this application, owned by the Board of Supervisors. She also responded to a question from Commissioner Hart about Development Condition Number 2 concerning parking limitations.

Ms. Zahm reviewed proffers addressing road improvements, construction hours, recreational amenities, parking, garage restrictions, and a bus shelter. She noted that one affordable dwelling unit would be provided, and each unit would be wired for high speed internet access. She also pointed out that the applicant had worked with the Police Department to develop environmental design techniques to prevent crime. She explained that committing to a proffer to provide heavy construction vehicle access to the site via Spring Street was a risk the applicant was willing to take to address the concerns of the surrounding community because he was confident that such an easement was in place.

In response to a question from Commissioner Wilson, Ms. Zahm agreed to add a proffer or development condition requiring that the site plan or plat layout show that parking would not be allowed on driveways less than 18 feet in length.

Commissioner Hart requested that a disclosure be made to purchasers making them aware that there were limitations on deck sizes.

Commissioner Wilson requested that a restrictive covenant be added to the homeowners' documents prohibiting approval of a variance to increase deck size, including a stipulation that approval would not be granted by the Homeowners Association for a deck size greater than that shown on the plan.

In response to a question from Commissioner de la Fe, Ms. Zahm agreed to revise Proffer Number 25 expressly prohibiting the use of a garage in such a manner that a car could not be parked in it.

Ms. Zahm responded to a question from Chairman Murphy about Proffer Number 28, concerning screening of an adjacent building with climbing vines.

Chairman Murphy called the first listed speakers and recited rules for testimony before the Commission.

Eric Stork, 3150 Spring Street, Fairfax, President, Blade Runners, Inc., owner of an adjacent property, said an easement did not exist across his entire property and even if it did, construction traffic would violate the nature of the easement and would have an adverse affect on his business.

Patricia Fettmann, Esquire, 10509 Judicial Drive, Fairfax, elaborated on Mr. Stork's assertion that an easement did not exist across his entire property and objected to a proffer allowing construction traffic to access the site from his property.

In response to a question from Commissioner Wilson, Ms. Fettmann explained the purpose of the original easement.

Ms. Fettman disagreed with Commissioner Alcorn's comment that the proffer providing heavy construction vehicle access via Spring Street was not binding because it would be the applicant's responsibility to obtain the right to use it.

Michael O'Connell, 9614 Nonquitt Drive, Fairfax, President, Tudor Hall Community Association, said the Association generally supported the proposed development but was concerned about the lack of parking on Kingsbridge Drive.

Officer Robin Jones, Fairfax County Police Department, said she had worked with the applicant to provide maximum crime prevention techniques such as natural surveillance, access control, and territoriality.

There were no further speakers. Therefore, Chairman Murphy called upon Ms. Zahm for a rebuttal statement.

Ms. Zahm said she agreed with Commissioner Alcorn's position that the proffer allowing construction vehicle access to the site from Mr. Stork's property was not binding. She also said that the application met parking requirements.

Responding to a question from Commissioner Harsel, Ms. Zahm said she would delete the "s" in the word "owners" in the last sentence of Proffer Number 28 concerning climbing vines.

Commissioner Lawrence reviewed the following revisions to proffers as discussed in the public hearing:

- ◆ Indicate on the plat or plan that parking would be prohibited on certain driveways;
- ◆ Disclose deck size limitations;
- ◆ Include a covenant in homeowners' documents concerning maximum deck size;

- ◆ Limit the use of garage space to parking only;
- ◆ Prohibit construction access from Kingsbridge Drive;
- ◆ Delete the "s" from the word "owners" in the last sentence of the proffer concerning climbing vines;
- ◆ Renumber proffers correctly.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ/FDP 2003-PR-037 TO A DATE CERTAIN OF MARCH 24, 2004 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers and Koch absent from the meeting.

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FAIRFAX COUNTY ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) – a public hearing will be held on the Fairfax County Advertised Capital Improvement Program (CIP), Fiscal Years 2005-2009 (with Future Fiscal Years to 2014). PUBLIC HEARING.

Chairman Murphy announced the following CIP schedule:

CIP Committee Meeting - March 24, 2004 at 7:30 p.m.
Planning Commission Markup - March 25, 2004
Board of Supervisors Public Hearings - March 29-30, 2004
Board of Supervisors Markup - April 19, 2004
Board of Supervisors Adoption of Budget - April 26, 2004

He noted that the Board of Supervisors' public hearing on the CIP would be held in conjunction with the FY 2005 budget considerations on March 29-31, 2004.

David Marshall, Planning Division, Department of Planning and Zoning, presented the staff summary of the CIP, noting that schools and transportation projects comprised the largest program elements representing nearly 50 percent of the program costs; sewer, public safety, parks, and court projects representing nearly 30 percent; and housing, revitalization, stormwater, libraries, human services, and solid waste projects representing the remaining program costs. He said staff believed the advertised CIP provided a realistic and comprehensive approach to effectively plan for the County's capital requirements and that it strategically linked the capital program and the capital budget.

Chairman Murphy called the first listed speaker.

Kaye Kory, Board Member, Fairfax County Public Schools, expressed support for the proposed CIP, although she noted that many of the Schools' needs were far from being met.

Max Verhagen, 7309 Statecrest Drive, Annandale, a second grade student at Woodburn School for the Fine and Communicative Arts, asked for money to fix up old schools and build new ones. (A copy of his remarks is in the date file.)

Winnie Shapiro, Chairman, Fairfax County Park Authority Board, spoke of the urgent need for funds to renovate older park facilities and buildings as well as for new development. She requested that the 2004 park bond referenda be increased from 50 to 75 million dollars. (A copy of her remarks is in the date file.)

Responding to a question from Commissioner de la Fe, Ms. Shapiro said she would provide the Commission with infrastructure costs for new park developments.

Renee Alberts, Chair, Mental Health Committee, Fairfax/Falls Church Community Services Board, spoke in support of the expansion of the Mount Vernon and Woodburn Mental Health Centers and the Gregory Road facility, referenced on pages 117-122 of the CIP document. (A copy of her remarks is in the date file.)

Mr. Marshall responded to a question from Commissioner Alcorn about the County's debt service ratio. Commissioner Alcorn suggested that staff review guidelines for the dollar limit on bond sales in view of favorable interest rates.

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE CAPITAL IMPROVEMENT PROGRAM, AS ADVERTISED FOR FY 2005-2009, TO A DATE CERTAIN OF MARCH 25, 2004 FOR MARKUP, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Alcorn and Wilson seconded the motion which carried unanimously with Commissioners Byers and Koch absent from the meeting.

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The Commission recessed at 9:50 p.m. and reconvened at 10:10 p.m.

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RZ/FDP 2003-DR-031 - WINCHESTER HOMES, INC. - Appl. to rezone from R-1 and R-3 to PDH-5 to permit residential development at a density of 4.82 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the E. side of Great Falls St. approx. 1,000 ft. N. of Haycock Rd. on approx. 21.15 ac. of land. Comp. Plan Rec: 4-5 du/ac and 1-2 du/ac. Tax Map 40-2 ((1)) 20, 21, 22, 22A, 22B, 23 and 24A; 40-2 ((34)) A. DRANESVILLE DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire, with Hunton and Williams LLP, reaffirmed the affidavit dated March 5, 2004. Commissioner Hart disclosed that his law firm had a case pending with Hunton and Williams LLP, but there was no financial relationship and it would not preclude his participation in this case.

Cathy Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Belgin responded to a question from Commissioner Hopkins about Park Authority opposition to an easement on its property.

Mr. McDermott stated that the proffer concerning Great Falls Street needed to be revised to clearly state that, with the approval of DPWES, a permanent sidewalk would be installed when entrance and frontage improvements were made. He said in the interim, a temporary trail would be constructed. He explained that it was not feasible to construct a trail on the western side of Great Falls Street because there were right-of-way and dedication issues and also because it would be too costly considering the size of the project. Noting that another issue associated with this application was the perenniality of Burke's Spring stream, he pointed out that the County had determined that the stream was intermittent.

Mr. McDermott and Ms. Belgin responded to questions from Commissioner Harsel about the distance between the single family detached homes and about outlot parcel A, which would be dedicated to the Park Authority as open space. Mr. McDermott also responded to a question from Commissioner Wilson about the possibility of adding another tot lot.

Chairman Murphy called for speakers from the audience.

Scott May, 2050 Greenwich Street, Falls Church, Vice President, West Hampton Civic Association, expressed concern about school overcrowding, traffic, and loss of green space and historical landmarks. (A copy of his remarks is in the date file.)

Melanie Coates, 2114 Great Falls Street, Falls Church, expressed concern about traffic, the safety of children walking to school, and the removal of the trail along Great Falls Street during the construction period.

Commissioner Hopkins commented that children on Ms. Coates' side of the street should be bussed to school and that VDOT did not have the right-of-way to put a trail there.

Marie Shiels-Djouadi, 6877 McLean Greens Court, Falls Church, Co-Chair of the McLean Greens Homeowners Association Task Force, expressed opposition to the construction of a street connecting to Hutchinson Street because it would present safety and traffic concerns. She submitted a petition signed by residents of McLean Greens who supported this position. (Copies of her remarks and the petition are in the date file.)

Atul Saran, 2124 Great Falls Street, Falls Church, explained that the proposed development would cause extremely dangerous traffic conditions in the area.

Steven F. Grover, 6732 Montour Drive, Falls Church, expressed support for the proposed development.

Frank Crandall, 900 Turkey Run, McLean, representing the Environmental Quality Advisory Council, stated that the Council had adopted the position at its March 10, 2004 meeting that the Burke's Spring Branch was a perennial stream and ought to be protected. He requested that the word "potential" be deleted from Proffer 36; a proffer be added to ensure an adequate silt fence around the spring house would be provided; the stormwater piping system be replaced to increase the buffer; and the length of pipe under the road be shortened or replaced with an arched bridge.

Dennis Griffin, 2112 Great Falls Street, Falls Church, requested that the applicant be required to construct a trail or sidewalk on the west side of Great Falls Street prior to construction to address concerns about pedestrian safety. He also requested that vehicular access be limited to a one-way ingress only entrance on Great Falls Street with the main entrance located off Hutchinson Street.

Susan Turner, 1210 Daviswood Drive, McLean, representing the McLean Citizens Association, expressed general support for the proposed application. She said a compromise position had been attained on important issues such as the preservation of the spring house and granting of a conservation easement on a section of the development to the McLean Land Conservancy. She expressed concern about the amount of disruption which would occur when the trail along Great Falls Street would be unusable for up to six months during construction.

Ron Nowak, 2101 Greenwich Street, Falls Church, expressed support for the preservation of Burke's Spring and requested additional land be preserved to ensure the natural and aesthetic integrity of the area. (A copy of his remarks is in the date file.)

Francesca Bravo, 2126 Grayson Place, Falls Church, aligned herself with the comments of previous speakers.

Catherine Saunders, 2119 Great Falls Street, Falls Church, Friends of Burke's Spring Branch, expressed appreciation to Winchester Homes for taking steps to preserve the habitat, water

quality, historical information and the stream itself, but said serious environmental concerns remained.

Matt Meyers, Department of Public Works and Environmental Services (DPWES), responded to a question from Commissioner Lusk about perennial stream determinations; John Bell, DPZ, responded to a question from Commissioner Alcorn about stormwater piping; and Ms. Belgin and Mr. Meyers responded to questions from Commissioners Wilson and Hart about the resource protection area and the designation of Burke's Spring as an intermittent stream by DPWES.

Ms. Saunders and Ms. Belgin responded to a question from Commissioner Wilson about the possibility of graves on the application property.

Anne Morrison, 2351 Great Falls Street, Falls Church, expressed concern about the preservation of historical resources on the site.

Herb Becker, 2009 Lorraine Avenue, McLean, suggested that a greenway would provide better park access and would also better preserve the historic and environmental resources of the site.

Bonnie Alvarez, 2116 Great Falls Street, Falls Church, expressed concern about the proposed exit onto Great Falls Street.

Mark Sets, 6440 Kirby Court, Falls Church, President, Kirby Court Homeowners Association, said that the proposed setback along the border of the Haycock-Longfellow Park was inadequate. (A copy of his remarks is in the date file.)

Mary Frazee, P. O. Box 438, Falls Church, who said her father had been the owner of the largest parcel of the subject property, expressed support for the proposed development.

There were no further speakers, therefore, Chairman Murphy called upon Mr. McDermott for rebuttal remarks.

Mr. McDermott noted that DPWES and Wetlands Studies and Solutions, Inc. had determined that Burke's Spring was an intermittent stream. Addressing Mr. Crandall's suggestion that the stormwater piping system be replaced, he said putting part of the stormwater runoff directly into the existing channel would have an impact well beyond the existing easement. He pointed out that the applicant had agreed only to build a trail on Great Falls Street if feasible. Addressing concern about parkland, he noted that an acre of trees was being dedicated toward the southern portion of the property which was not required by the Comprehensive Plan.

There were no comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2003-DR-031 AND FDP 2003-DR-031, WINCHESTER HOMES, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT, TO A DATE CERTAIN OF MARCH 25, 2004.

Commissioners Hall and Alcorn seconded the motion which carried unanimously with Commissioners Byers and Koch absent from the meeting.

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The meeting was adjourned at 12:45 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on:

Clerk to the
Fairfax County Planning Commission